

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

S.C., an individual,

Plaintiff,

vs.

BLACK HILLS FOOTBALL CLUB, a
Washington nonprofit corporation; and
DAVID E. CROSS, individually,

Defendants.

No. 3:21-cv-5147

**NOTICE OF REMOVAL TO FEDERAL
COURT PURSUANT TO 28 U.S.C. §
1441(a)**

(Clerk's Action Required)

TO: THE CLERK OF THE COURT
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

AND TO: COUNSEL FOR PLAINTIFF S.C.

Please take notice that Defendant Black Hills Football Club (hereinafter, "BHFC") hereby removes to this Court the state court action described below. In support thereof, Defendant states as follows:

1. On or about February 2, 2021, Plaintiff filed the Summons and Complaint with the Thurston County Superior Court.

2. On or about February 5, 2021, Plaintiff S.C. served a civil summons and complaint captioned for the Superior Court of the State of Washington for Thurston County, via an Acceptance of Service signed by Jack Zahner on behalf of BHFC.

3. The Superior Court Cause Number assigned to the above-mentioned case is: 21-2-00151-34.

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NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §
1441(a) - Page 1

[No. 3:21-cv-5147]

SMITH FREED EBERHARD P.C.
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I. PARTIES

4. In the Complaint, Plaintiff alleges that she is resident of Gallatin County, State of Montana.

5. Defendant BHFC is a nonprofit corporation organized under the laws of Washington that operates in Thurston County, Washington, with a principal place of business being in Olympia Washington.

6. David Cross is alleged to be a resident of Thurston County, State of Washington.

II. NATURE OF CASE

7. Pursuant to Plaintiff's Complaint, Plaintiff S.C. was a soccer player with Defendant BHFC in or around 2008-2011. Plaintiff S.C. further alleges that during that time period she was subjected to sexual harassment and sexual abuse by Defendant David Cross in his role as an agent and/or employee of Defendant BHFC. Plaintiff has asserted claims of negligence, gross negligence, sexual discrimination under RCW 49.60, negligent infliction of emotional distress, and outrage against Defendants BHFC and David Cross. Plaintiff seeks damages for medical treatment expenses, the expenses of medication, and other special expenses, including lost wages, as well as attorney fees, costs and other remedies under RCW 49.60 *et seq.*, and all general damages for pain and suffering, including physical and emotional.

III. AMOUNT IN CONTROVERSY

8. The removing Defendant bears the burden of establishing by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional amount. *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996).

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VII. COPY OF SUMMONS AND COMPLAINT

16. Included with this Notice of Removal is a copy of the Complaint filed in Thurston County Superior Court Cause No. 21-2-00151-34 and the Amended Complaint in the same action. A Civil Cover Sheet (Form JS-44 revised) is also included.

17. Pursuant to LCR 101(c), Defendant will file all additional records and proceedings in the State Court case, together with defense counsel's verification, within fourteen days of the filing of this Notice of Removal.

DATED this 1st day of March, 2021.

SMITH FREED EBERHARD P.C.



By:

Thomas P. McCurdy, WSBA #41568
Jessica R. Kamish, WSBA #48378
Of Attorneys for Defendant Black Hills
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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, I certify under penalty of perjury and the laws of the State of Washington that: On the below date, I delivered a true and correct copy of NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1441(a) via the method indicated below to the following party(ies) at their address(es) listed:

Counsel for Plaintiff

Darrell L. Cochran, WSBA #22851
 Kevin M. Hastings, WSBA #42316
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	Via Hand Delivery
	Via U.S. Mail, postage prepaid First Class
	Via Facsimile
XXX	Via Electronic Mail [per e- service agreement]

DATED March 1, 2021 at Seattle, Washington.

s/Melanie Kent

Melanie Kent

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